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Docket - 222

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

24 AUG 1993

IN REPLY REFER TO:

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SEP 16 1993

Honorable Charles Grassley
United States Senate
135 Hart Senate Office Building
Washington, D.C. 20510

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Senator Grassley:

This is in response to your letter of July 8, 1993, in which you inquired on behalf of your constituent, David, regarding the Notice of Proposed Rule Making (Notice) in PR Docket No. 92-235, 57 FR 54034 (1992). Your constituent is specifically concerned about the potential impact of our final rules on radio remote controlled airplane hobbyists.

Model airplane users have shared spectrum on a secondary basis with industrial users for over 25 years. The low power industrial user and the radio control model airplane hobbyists effectively share spectrum through geographic separation. We are enclosing the Report and Order in GEN Docket 82-181, 47 FR 51875 (1982), which provided the current 50 channels for radio controlled model airplanes. These rules, adopted at the behest of the model airplane community, provide no protection from interference from licensed sources. We further note that the radio environment is inherently hazardous and that even primary allocations suffer from problems. For example, model aircraft users receive interference from other model aircraft users and from certain TV channels. Thus, model aircraft must be, and in fact are, capable of co-existing with some interference.

The Commission is seeking to work with all parties on this matter. To this end, FCC staff has met with the two largest industry groups representing model airplane users, the Academy of Model Aeronautics and the Sport Flyers Association, to discuss their concerns and methods of expanding capacity for private land mobile radio users without affecting radio control users. Thank you for your interest. Your letter will be included in the formal record of this proceeding.

Sincerely,

/s/

Doron Fertig
Economist
Private Radio Bureau

Enclosure

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United States Senate

CHARLES E. GRASSLEY

WASHINGTON, DC 20510-1501

July 8, 1993

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Lauren Belvin
Director, Legislative Affairs
Federal Communications Commission
1919 M Street, N.W., Room 857
Washington, D.C. 20554

Dear Lauren:

Enclosed please find a letter from David regarding counter points to the FCC's response concerning the proposal to reassign frequencies which may affect modelers.

I would appreciate any assistance you could provide pertaining to this matter. Please mark your return correspondence to the attention of Dawn Latham when responding to my office.

Thank you for your attention to my request.

Sincerely,

Chuck Grassley
Charles E. Grassley
United States Senator

CEG/dl
Enclosure

Committee Assignments:

FINANCE
AGRICULTURE, NUTRITION, AND FORESTRY

JUDICIARY
OFFICE OF TECHNOLOGY ASSESSMENT

BUDGET
SPECIAL COMMITTEE ON AGING

1203 E Avenue

Vinton, IA 52349

May 5, 1993

93 MAY 11 AM 11:06

Senator Charles Grassley
135 Hart Senate Building
Washington, D.C. 20510

Dear Senator Grassley:

Thank you for your response to my letter concerning FCC NPRM Docket 92-235.

I am forwarding copies of some articles from Model Aviation the monthly publication of the Academy of Model Aeronautics. (June Issue)

They illustrate inconsistencies in the FCC question and answer sheet which you forwarded to me. I work with electronics and I agree with the Academy's position. There is also some disturbing rumors on how the FCC is handling public comment. Truth or simply bad rumor, I know not which.

I am sorry there is so much to read, but I did not want to paraphrase and/or misinterpret what I read. Thank you for your service

Sincerely,

David W. Tester



To: All Interested Parties

**Re: Reply to FCC's Question & Answer
Response-PR Docket 92-235**

At the present time many of you are receiving responses from the senators and representatives to whom you have written concerning NPRM92-235. Most members who have received such letters have been provided the same basic information. This is because the FCC has provided a so-called boilerplate response to congressional inquiries.

The letter is often in two parts; the first item is a cover letter signed by Ralph Haller, and the second, whose author is not identified, is in a question-and-answer format. The answers are consistent with information provided verbally by Doron Fertig, the senior economist responsible for drafting the 419-page document (NPRM92-235) that sets the plan for the new frequency assignments.

The responses provided in the question-and-answer document indicate, that in the Commission's opinion, modelers can coexist with the assigned users designated for the new frequencies. This feeling is based on several assumptions.

1. "The power levels for both services are comparable. (For radio purposes, $\frac{3}{4}$ watt is indistinguishable from 1 watt.)"

This statement may technically be true. However, several mitigating factors enter the picture relative to our equipment. Not the least of these is that our receivers must operate in a much harsher RF environment because of the model's position high above the ground and the lack of consistent relative antenna positioning.

2. "Radio control transmitter standards are stricter than they used to be. The proposed narrow-band technical requirements (for the new commercial equipment) are much stricter than current requirements. Thus a 2.5 kHz frequency separation between land mobile and radio control users should be adequate ..."

It is true that our equipment is much more narrow band than it was prior to our voluntarily developing narrow-band guidelines for transmitters and petitioning the FCC for their acceptance.

However, our reading of 92-235 indicates that the equipment on the new frequency assignments would be granted a plus or minus 50 parts per million frequency tolerance. That equates to 3.6 kHz. This would technically allow the equipment on the new frequencies to operate directly on top of, or shift to the other side of, our assigned frequencies.

3. "...land mobile operations authorized on the 72-76 MHz band are not car phones. Rather,

these channels are (emphasis added) used in limited locations such as a factory or construction site, mainly for nonvoice operations to monitor or control expensive equipment such as overhead cranes."

This statement is very interesting in two respects. First, the underlined word "are" indicates that the usage currently exists. We are very much aware of the concern that developed relating to a petition by Robinson Engineering, in Texas, to share the model frequencies. That plan was rejected by the FCC. Robinson Engineering was granted a three-year waiver to convert equipment already placed on model frequencies and move it to the assigned licensed frequencies. That waiver ends this month.

Second, the statement designates a specific use for the proposed new frequencies. That statement is not supported by any such listing in 92-235. They are listed in the document as "general category" frequencies.

4. "Model airplane enthusiasts seek clear areas and fields" (for their operations).

This statement is an important one to address. Certainly, the majority of clubs and individuals seek large open sites for flying model airplanes. However, a significant number of model airplane sites exist very near—or actually in—industrial complexes. Such pairings are, in fact, quite compatible and desirable. Additionally, many modelers operate from public parks in heavily populated areas.

The ability to fly electric models and sailplanes at such sites makes the sites valuable. It must also be understood that virtually all surface model use on the 75 MHz band occurs in populated areas, shopping centers, etc., and is not highly structured or organized.

The Academy will shortly be filing its formal letter of comment, which will point out in detail the discrepancies between the FCC's unofficial assurance and the actual proposals contained in the rule making. Following the filing of the formal letter of comment, we will embark on a plan to provide information concerning our technical and operational concerns.

Please bear in mind that the FCC rule-making process is lengthy. In the case of 92-235, the FCC has undertaken a monumental task in an effort to address a vast range of radio needs. The time frame for rule consideration and final deliberation may well consume a year. The actual implementation of the plan reaches well into the next century. →



President's Corner

By the President of the
Academy of Model Aeronautics

Don Lowe

902 Little Bend Rd.
Altamonte Springs, FL 32714

As you may know by now, your AMA has secured an improved insurance program, beginning March 31, 1993, at no increase in cost to you and at less cost to the AMA. It also reduces the exposure of the AMA to big hits in insurance claims.

AMA shops the insurance market each year for the best coverage possible for a reasonable investment. I can't imagine that anyone would want or need more coverage than we are currently offering members—\$2.5 million per incident. This protection applies to individuals, clubs, and site owners. It also provides up to \$5 million aggregate coverage to the flying site owner for the insurance year! And it provides EQUAL protection to model airplanes, boats, cars, and rockets; no more restricted limits on cars, boats, and rockets as there were in the past.

This great package is available because AMA is a large, reputable association with a history of modest claims and a good track record in each of the modeling categories. We have every reason to believe that this coverage

will be available each successive year, assuming a reasonable claims record.

Headquarters reports that our renewals and new memberships are running several percentage points above 1992 and 1991 records. We are growing! Growth means that we will be able to offer more services and programs. YOU can help your hobby/sport by convincing your friends to become AMA members.

The frequency thing: The most-asked question these days is, What's happening with the frequency issue? As you know, the Federal Communications Commission (FCC) is engaged in a major restructuring of the Land Mobile Communications service. It involves a lot more than models, but could impact model operating safety if implemented as initially proposed.

The huge response by AMA members and others has caused the FCC to extend the comment period to May 1993. The commission has also held a briefing session that was attended by AMA, the RC industry, and representatives of the other users.

At this point it is apparent that the FCC is calling the document a first cut—subject to change. It is also apparent that proposed implementation schedules will be delayed. That doesn't mean that we are *home free*, by any means; we must continue to press our case, which we intend to do. The FCC certainly knows we are here, by virtue of the thousands of letters it has received.

We need to look at this whole thing realistically, however. Certainly there will be an ever-increasing demand for frequencies as personal communication and remote control needs burgeon.

Because of this, we must promote research aimed at reducing band-pass requirements of our equipment. We are going to need an even tighter requirement on our transmitters and receivers in

order to SURVIVE in an increasingly HOSTILE RF environment.

Food for thought: It seems to me that the 27 MHz, so-called citizens band, needs to be recaptured. It is a virtual wasteland of illegal operations, linear amplifiers, and operators on illegal frequencies. I've done some monitoring recently and found a jumble of communications hysteria: people operating illegally and people using utterly profane language. In short, an absolutely worthless slice of the spectrum! Can it be reclaimed? At this point, I doubt it, with the limited ability of the FCC to police its frequencies. But it really bugs me that while we operate circumspectly on our allotted portion of the 72 and 75 MHz bands (and we certainly should), the operations on 27 MHz are an absolute waste of useless transmission!

I am concerned that if mobile equipment on our 72 and 75 MHz bands becomes easily and cheaply obtainable, our bands will go the way of 27 MHz! I sure hope that that doesn't happen, but the FCC simply does not have the manpower to patrol and control the total frequency spectrum.

The frequency assignments that we currently have, coupled with other authorized users, are working very well. This basically provides a 10-MHz frequency separation between us and "them."

To my knowledge there have been no reports of our transmission harming "them." Similarly, there have been minimal problems with "their" transmissions bothering us. As you know, model operations are considered secondary users, so we must tolerate any interference from "them."

The now-proposed mobile communications assignment within 2.5 MHz of our frequencies would be intolerable to us with our current equipment. We visualize an unsafe scenario, and that's the reason we are making a real issue of the proposed change with the FCC. →



Executive VP's Report

Dave Brown

AMA Executive VP
4560 Layhigh Rd.
Hamilton, OH 45013

(Editor's note: Please read Executive Director Munkowski's column for updated information on FCC response and liaison with AMA.)

Eleven thousand sounds like a lot of anything, but there are those in the Federal Communications Commission (FCC) who seem to think it doesn't amount to much when it comes to letters logged in in protest of its proposed action to put more industrial users into slots very close to our frequencies.

Frankly, I was surprised that the FCC claims that such a low number of letters has been received by the commission. I believe it is understating our response by quite a bit. I have heard a few plausible reasons for the low number, not one of which claims that these are all of the responses they got.

One hypothesis is that the commission records only individual letters and considers form letters

simply on the basis of volume or weight. Another is that the first 11,000 were logged in, and then the commission simply quit recording.

I have heard that there are bins of letters at the FCC that have not been counted and that probably won't be counted.

A slip of the tongue by the proposal's author, if he is quoted properly in the Sunday, March 7 Cincinnati Enquirer, may shed a little insight into the reality of the situation. Doron Fertig, an economist for the FCC and generally credited (or blamed!) as the author of the proposal, is quoted as having said, "There's only one person to read them, and that's me. So I wave at them, and put them in storage."

It is disturbing that an FCC employee would take such a care-less attitude to public comment on a proposal of this magnitude, but it is even more disturbing to me that, according to his own statement, he is the only one who reads the letters! If this isn't the fox guarding the henhouse, I don't know what is.

While the FCC is required by law to solicit public comment, I guess it doesn't have any compulsion to pay much attention to it.

Very early in our campaign, a modeler told me that he had telephoned the FCC and had talked to someone about the proposal. The modeler was told to write to the FCC during the comment period, but was also told NOT to write to the politicians, as they just muddy the water.

Well, I thought at the time that this was a case of the FCC trying to keep from having to do the right thing, and I am now even more convinced of it. Letters to the politicians are the only ones being read, and inquiries to the FCC from those

politicians will not be ignored by the FCC. We already have evidence of this fact.

We must be very careful to be factually correct in our letters to the politicians, as any factual discrepancy will result in the politician being told that the modelers are wrong in their statement of what this proposal will do.

The previously mentioned article(s) (two slightly different ones in different editions of the paper, by the same author) illustrate the problem quite nicely. A modeler was quoted by the author of the article as saying that the proposal would create a situation where someone picking up a car phone within a mile of you would blast you out of the air! Even though the article had stated earlier that the expanded frequencies were for industrial use, mentioning car phones gave Doron the chance to soften the blow considerably.

One paragraph in the article was simply this. "Now Fertig wants to make a point: Hobbyists are wrong." The next paragraph went on to say, "The proposed rule change, which could go into effect next year, would not expand the frequency spectrum for cellular telephones, Fertig said." That was two full paragraphs. Only in the next paragraph does he finally say what it would allow, and it concludes with "It should have minimal effect on the hobbyists."

Most people reading this would conclude that the modelers had misinterpreted the proposal and were overreacting to it as a result of not knowing what the proposal actually was going to do. Most people, in this case, INCLUDES THE POLITICIANS who are being responded to by the FCC in a similar manner.

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Executive VP/Brown

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I have seen some letters from the politicians that show exactly this effect. Don't give the FCC this out! Don't embellish the story with unnecessary rhetoric. "This proposal puts other users too close to our RC frequencies for safe operation" says all that is necessary, and forces the FCC to deal with the real problem rather than

giving them something technically flawed to show that we don't know what we are talking about.

There is an old joke about voting now and voting often. Stand up and be counted now.

Aw, what the heck, if the FCC buys this proposal as the panacea for the future of communications, I'd imagine that some economist will try to convince the Department of Transportation that the cure for traffic congestion is to paint more lanes on the highways to handle more traffic!

Don't widen the roads, just paint more lines on them. Let's see, five-foot-wide lanes should be enough for eight-foot-wide trucks. I'm sure the technology will develop to allow it!

Till next month.

See You at
Homecoming!



Executive Director's View from HQ

Vince Mankowski
AMA Executive Director
1810 Samuel Morse Drive
Reston, VA 22090

Special late update: On Wednesday, March 10, just prior to the filing of the Academy's formal comment letter, our counsel received a call from Ralph Haller, Chief of the Private Radio Bureau, requesting a meeting with the Academy concerning 92-235. Thursday, March 11, Vince Mankowski, Bob Underwood, and counsel Ray Kowalski met with Federal Communications Commission (FCC) representatives.

Those present were Chief Haller; Richard Shiben, Chief Land Mobile and Microwave Division; Doron Fertig, Senior Economist in Policy and Planning (principal author of 92-235); and Herb Zeiler, Deputy Chief, Special Services Division (responsible for Part 95 governing RC).

Chief Haller initiated the discussion by indicating a concern that modelers were creating an adverse image of safe model operation. The commission was assured that we not only maintain an excellent safety record, but also have a close rapport with the Federal Aviation Administration (FAA) and related agencies. It was cited that our major concern centered around the fact that if 92-235 is implemented as written, a significant safety concern would develop that was beyond our control.

The discussion turned to why we responded to 92-235 in the manner we did. Mr. Haller was reminded of a meeting between him, Mr. Mankowski, and Mr. Kowalski in 1992, at which he assured AMA representatives that nothing of note concerning modeling was imminent.

At that point, the dialogue turned to our specific issues related to 92-235. When the concern over the frequency stability was noted, the commission members indicated that 50 parts per million (3.6 kHz tolerance) must be a mistake or typo. Following this, the Academy had an opportunity not only to seek clarification of all major points but also to provide extensive background, both historical and operational, concerning model frequency usage.

Mr. Haller expressed an eagerness to work cooperatively with modelers in an effort to resolve their concerns regarding the rule making. To that end, our request for permission to allow the Academy to perform empirical testing was granted, and suggestions were provided for that testing. Assurances were provided that the present 92-235 is simply a working document and not the



Bob Kircher, Contest Coordinator for RC (except Pylon and Soaring) in District 2, explaining the contest sanctioning process at the district meeting.

finalized form. A variety of options and alternate plans were explored. In short, the meeting was a productive work session that occurred with the principals, far ahead of our schedule for ex parte meetings.

The two recent top stories are, of course, the infamous FCC proposal (NPRM92-235) and the new AMA member liability policy that went into effect March 31, 1993. Please see the Technical Director's column for the latest information concerning the FCC and its latest proposal.

On February 26, AMA announced its new membership liability insurance program. Mailings were made, and information was presented at the Westchester Radio Aeromodelers (WRAM) show in New York. Information concerning major improvements to our insurance program is to be found within the pages of this magazine.

AMA insurance programs, like all other AMA benefits, are reviewed annually, and the various marketplaces are studied to provide members with the absolute best in membership services and benefits. I am pleased to report that the latest improvements in the AMA membership insurance program are a result of three years of hard work by your AMA insurance committee and headquarters staff.

We hope the membership is pleased with these improvements.

During the last three years the Executive Director's office has persisted in pursuing an increased dialogue and communication with the membership and an ever-increasing flow of benefits for the members. Quite frankly, there are

times of exasperation and times when there is satisfaction in announcing benefit improvements or seeing responses to communication increases.

For us at AMA HQ, this is one of the good times.

If you like busy, fun, interesting, challenges, the summer of 1993 is for you!

The National Flying Site at Muncie, Indiana, will host the AMA's first annual Homecoming on June 19-20. This will be an opportunity for all AMA members to come out to their National Flying Site and enjoy themselves, while seeing the latest changes and improvements to the site.

On Saturday, June 19, open flying and demonstrations are scheduled from 8 a.m. until 6 p.m., after which there will be a barbecue (minimal charge), and an annual membership meeting on site.

Then, from 9 p.m. until 1 a.m., the asphalt of the main flying site will be converted from runways to dance floor, and we will be treated to live music from the Pink Cadillacs. What a great way to end a day!

On Sunday, again from 8 a.m. until 5 p.m., there will be open flying and demonstrations. This is a great opportunity for you to enjoy the site and kick off the 1993 flying season.

National model airplane events for control line and RC will take place in Lawrenceville, Illinois, from July 17-25. The free flight events will be held in Muncie from September 1-5, while the indoor events will be held in Johnson City, Tennessee, June 3-6. These sites have proved to be well received by the membership.